

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAWN H. MORENO,
Plaintiff,

v.

CAROLYN W. COLVIN,
Defendant.

Case No. [14-cv-04902-MEJ](#)

ORDER RE: STATEMENTS OF FACTS

As set forth in the Procedural Order for Social Security Review Actions (Dkt. No. 2), this matter will be deemed submitted for decision without oral argument based on the parties' motions for summary judgment and/or remand. In connection with their motions, the parties shall file either a joint statement or separate statements of facts setting forth all relevant medical evidence and written and oral testimony in the Administrative Record, to be filed by Defendant at the time she files her Answer. Accordingly, the Court ORDERS the parties to meet and confer within 21 days of service of Defendant's Answer for the purpose of determining whether they are able to file a joint statement of facts in the record, or whether it is necessary for the parties to file separate statements of facts.

A. Joint Statement of Facts

If the parties are able to agree on a joint statement of facts, the statement shall be signed by both parties and filed by the same deadline as Plaintiff's motion for summary judgment or for remand. Each fact must be set forth in a separately numbered paragraph and cite to a specific portion of the Administrative Record where the fact finds support.

B. Separate Statements of Facts

If the parties are unable to agree on a joint statement of facts, they shall comply with the following requirements for separate statements of facts.

1. Plaintiff's Separate Statement of Facts

At the time Plaintiff files the motion for summary judgment or for remand, Plaintiff must

also file a statement, separate from the motion and memorandum of law, setting forth each fact from the Administrative Record on which Plaintiff relies in support of the motion, including all relevant medical evidence and written and oral testimony in the Administrative Record. Each fact must be set forth in a separately numbered paragraph and cite to a specific portion of the Administrative Record where the fact finds support. A failure to submit a separate statement of facts in this form may constitute grounds for denial of the motion.

2. Defendant's Statement of Facts

At the time Defendant files the cross-motion for summary judgment or for remand, Defendant must also file a statement, separate from the motion and memorandum of law, setting forth: (a) for each paragraph of Plaintiff's separate statement of facts, a correspondingly numbered paragraph indicating whether Defendant disputes the statement of fact as set forth by Plaintiff and, if disputed, a reference to the specific portion of the Administrative Record supporting Defendant's position; and (b) any additional facts from the Administrative Record on which Defendant relies in support of the motion. Each additional fact must be set forth in a separately numbered paragraph and cite to a specific portion of the Administrative Record where the fact finds support.

3. Reply Statement of Facts

If Defendant sets forth additional facts in the cross-motion, Plaintiff shall file a statement, separate from the reply brief, with correspondingly numbered paragraphs indicating whether Plaintiff disputes the statement of fact as set forth by Defendant and, if disputed, a reference to the specific portion of the Administrative Record supporting Plaintiff's position.

IT IS SO ORDERED.

Dated: November 24, 2014



MARIA-ELENA JAMES
United States Magistrate Judge

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CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 11/24/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Dawn H. Moreno
6330 Thornton Avenue
c/o Second Chance Homeless Shelter
Newark, CA 94560

Dated: 11/24/2014

Richard W. Wieking
Clerk, United States District Court

By 
Chris Nathan, Deputy Clerk to the
Honorable MARIA-ELENA JAMES